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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/532,377	04/21/2005	Edward Zheng	100697.0016US	4273
34284	7590	11/03/2006	EXAMINER	
ROBERT D. FISH RUTAN & TUCKER LLP 611 ANTON BLVD 14TH FLOOR COSTA MESA, CA 92626-1931			LIU, JONATHAN	
		ART UNIT		PAPER NUMBER
				3673

DATE MAILED: 11/03/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/532,377	ZHENG, EDWARD	
	Examiner Jonathan J. Liu	Art Unit 3673	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 11 August 2006.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-3,7-10 and 15-20 is/are rejected.
- 7) Claim(s) 5,6 and 11-14 is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 8/11/2006 is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some * c) None of:
1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

1. Applicant's arguments with respect to claims 1-20 have been considered but are moot in view of the new ground(s) of rejection.
2. With regards to remarks that Examiner did not specify which member was the hammock, it is noted that claim 1 is claiming a **hammock stand** and not positively claiming a hammock. Furthermore, it is noted that the combination of a hammock stand and a hammock is **not** claimed. If desired, applicant should claim "a hammock comprising a stand, legs, etc..." Applicant is reminded that where there is physical identity between the subject matter of the claims and the prior art, the label given to the claimed subject matter does not distinguish the invention over the prior art. In re Pearson, 494 F.2d 1399, 1403, 181 USPQ 641, 644 (CCPA 1974), In re Lemin, 326 F.2d 437, 140 USPQ 273(CCPA 1964). Furthermore, "a hammock" as recited in claim 1 is interpreted as intended use of the hammock stand. A recitation of the intended use of the claimed invention must result in a structural difference between the claimed invention and the prior art in order to patentably distinguish the claimed invention from the prior art. If the prior art structure is capable of performing the intended use, then it meets the claim. Accordingly, elements of 12a, 14b, 16b, and 18b of Yu are capable of coupling to a hammock.
3. With regards to argument that Yu does not teach a hammock, it is noted that member 44 to Yu is a "hanging bed of canvas" as recited on page 6 of the remarks and accordingly satisfies the limitation of a hammock.

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4. With respect to arguments on page 7 of the remarks that members identified by Yu are not consistent with applicants' members, Examiner contends that members (12a, 18b, 14b, 16b) do function as support rods and that member 44 does serve as a hammock. It is noted that the applicant is their own lexicographer and therefore, Yu may have called members of the frame specific names, however, as long as the members function equally to those of applicant's, they meet the limitations set forth in the claims.

5. With respect to arguments on page 7 of the remarks, members 20, 22, 40, and 42 of Yu are rotatably coupled to each other by means of members 24, 26, 28, and 30 and associated pin connections (not labeled – see figure 2); they must rotate in order for the frame to collapse.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

7. Claims 1-3, 8-10, 15, and 17-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yu (US 6,247,749) in view of Brickman (US 4,177,737). Yu discloses a hammock stand comprising four legs (20, 22, 40, 42), four support rods (12a, 18b, 14b, 16b) to which a hammock may be coupled. Yu does not teach a pair of cross braces. Brickman teaches a collapsible stand comprising a pair of cross braces (each brace comprising 30, 32). Yu and Brickman are analogous because they are from the

same problem solving area, i.e. collapsible structures. It would have been obvious to one of ordinary skill in the art to include the cross braces of Brickman with the invention to Yu (i.e. connecting members 12a and 12b as well as 14a and 14b of Yu). The motivation would have been to limit unfolding and to militate against collapse of the legs (Brickman: col. 3, lines 21-23). Therefore, it would have been obvious to modify the invention to Yu as specified in claim 1. Yu as modified, teaches wherein the legs, the support rods and the cross braces are coupled to each other such that the hammock stand collapses in a single movement in which two of the four legs approximate each other in a front-to-back and side-to-side motion as two of the support rods pivot towards each other, and wherein the second of the four legs is coupled to the first of the support rods (12a) via a connector rod (12b).

With regards to claim 2, a first (20) and a second (22) of the four legs are rotatably coupled to each other (through 12a, 12b).

In regards to claim 3, a first support rod (12a) is rotatably coupled to the first (20) of the four legs and wherein a second (18b) of the support rods is rotatably coupled to the second of the four legs (22).

Regarding claim 8, the stand comprises a flexible element (44) that couples the first of the four legs with a third of the four legs and that facilitates collapsing of the hammock stand when the flexible element is pulled upwards relative to the ground and when the hammock stand is in an open configuration.

In regards to claim 9, the flexible element comprises a sheet of fabric (Yu: col. 5, line 55).

With regards to claim 10, the sheet of fabric further comprises a handle (44a) [from Webster's II Dictionary, "handle": a part that is held or controlled by the hand]. Member 44a is structurally capable of performing the functions of a handle.

In regards to claim 15, Yu as modified, teaches a collapsible hammock stand having a plurality of legs (20, 22, 40, 42), a plurality of support rods (12a, 18b, 14b, 16b) to which a hammock is coupled, and at least one pair of cross braces (Brickman: 30, 32) that are rotatably coupled to each other (Brickman: 38) and that couple at least one leg (20) to at least one of the support rods (12a) such that the hammock stand collapses in a simultaneous front-to-back and side-to-side motion, and wherein at least one leg (22) is coupled to at least one support rod (12a) via a connector rod (12b).

In regards to claim 17, the stand comprises four legs (20, 22, 40, 42), four support rods (12a, 18b, 14b, 16b), and two pairs of cross braces (see explanation of claim 1), wherein the first pair of cross braces couples (through 12b of Yu, and 30, 32 of Brickman) at least one leg (20) to at least one support rod (12a), wherein the second pair of cross braces couples (through 14a of Yu and 30, 32 of Brickman) at least another one of the legs (42) and another one of the support rods (14b), and wherein at least two legs are rotatably coupled to each other.

With regards to claim 18, at least one of the support rods is rotatably coupled to at least one of the legs.

8. Claims 7 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yu (US 6,247,749) in view of Brickman (US 4,177,737), in further view of Wu (US 6,467,109). Yu as modified, teaches the inventions of claims 1 and 18. However, Yu

as modified, does not teach wherein the hammock is coupled to the support rods via a hook. Wu teaches a hammock wherein the hammock (8) is coupled to support rods (3) via a hook (60). Yu and Wu are analogous because they are from the same field of endeavor, i.e. hammocks. It would have been obvious to one having ordinary skill in the art to attach the hammock (44) of Yu to the support rods via hooks instead of permanent attachments (e.g. 32, 34, 36, and 38). The motivation would have been to promote portability and collapsing (by means of less interfering members). Furthermore it has been held that making parts separable is not patentably distinct, *In re Dulberg*, 289 F.2d 522, 523, 129 USPQ 348, 349 (CCPA 1961). Therefore, it would have been obvious to make the hammock separable from the support rods (via hooks).

9. Claim 20 is rejected under 35 U.S.C. 103(a) as being unpatentable over Yu (US 6,247,749) in view of Brickman (US 4,177,737) and Wu (US 6,467,109) as applied to claim 19, in further view of Barras (US 4,826,241). Yu as modified, teaches the invention of claim 19. However, Yu as modified does not teach a sheet of fabric coupled to the legs. Barras teaches a collapsible structure comprising a fabric (70) coupled to four legs (26) through linkages (see figure 3), wherein the fabric facilitates collapsing of the hammock stand when the fabric is pulled upwards relative to the ground and when the hammock stand is in an open configuration. Yu and Barras are analogous because they are from the same problem solving area, i.e. collapsible structures. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the invention to Yu with the fabric of Barras. The motivation would have been to provide for easier collapsing of the frame. With respect

to the limitation wherein the fabric is a sheet, it would have been obvious to one of ordinary skill in the art to provide a rectangular piece of fabric as opposed to the string as shown by Barras in order to provide for a more durable handle (a more rectangular/thicker piece of fabric would be more opposed to tearing than a thin string).

Allowable Subject Matter

10. Claims 11-14 allowed. The prior art of record does not teach the specific members and attachment relationships as specified in claim 11. Accordingly independent claim 11 and its dependents are allowable over the prior art of record.
11. Claims 5-6 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

12. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

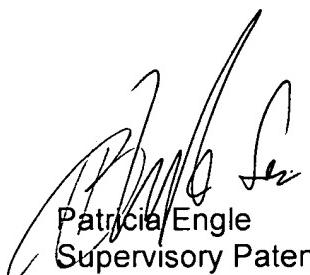
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the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jonathan J. Liu whose telephone number is (571) 272-8227. The examiner can normally be reached on Monday through Friday, 8 am - 5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Patricia Engle can be reached on (571) 272-6660. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Jonathan J Liu
Examiner
Art Unit 3673

Patricia Engle
Supervisory Patent Examiner
Art Unit 3673